

1992 No. 1296

MINISTERS OF THE CROWN

The Transfer of Functions (Science) Order 1992

Made - - - - - 4th June 1992

Laid before Parliament 12th June 1992

Coming into force 6th July 1992

At the Court at Buckingham Palace, the 4th day of June 1992

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1 and 4 of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Science) Order 1992.

(2) In this Order—

“the Chancellor” means the Chancellor of the Duchy of Lancaster;

“instrument”, without prejudice to the generality of that expression, includes in particular Royal Charters, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts, memoranda and articles of association, certificates and other documents;

“the Minister” means the Minister for the Civil Service;

“the Office” means the Office of Public Service and Science.

(3) This Order shall come into force on 6th July 1992.

Transfer of functions from the Secretary of State to the Minister

2.—(1) The functions of the Secretary of State under sections 2 and 3 of, and Schedules 1 and 3 to, the Science and Technology Act 1965(b) are hereby transferred to the Minister.

(2) As regards section 5 of that Act—

(a) the functions conferred on the Secretary of State by subsection (1) shall be exercisable concurrently by the Minister; and

(b) the functions conferred by virtue of paragraph (b) of that subsection on the Ministers of the Crown there mentioned shall be exercisable concurrently by the Secretary of State and by the Minister;

but nothing in this Order shall be taken as implying that the functions of the Secretary of State under section 99 of the Electricity Act 1989(c) are to become concurrently exercisable by any other Minister of the Crown.

(a) 1975 c.26.

(b) 1965 c.4.

(c) 1989 c.29.

(3) The functions conferred on the Secretary of State by—
(a) section 1(1)(a) of the Education Act 1986(a),
(b) section 213(1) of the Education Reform Act 1988(b), and
(c) regulations 2, 3, 4, 14 and 17, and regulation 18 other than paragraph (2)(e), of the Education (Grant) Regulations 1990(c),
shall also be exercisable concurrently by the Minister.

(4) The function conferred on the Secretary of State for Education and Science under section 1(1) of the Agricultural Research etc. (Pensions) Act 1961(d) by virtue of the Secretary of State for Education and Science Order 1964(e) is hereby transferred to the Minister.

(5) There are hereby transferred to the Minister the functions of the Secretary of State for Education and Science under the Royal Charters of—

- (a) the Medical Research Council;
- (b) the Agricultural and Food Research Council;
- (c) the Science and Engineering Research Council;
- (d) the Natural Environment Research Council; and
- (e) the Economic and Social Research Council.

(6) There are hereby also transferred to the Minister the functions of the Secretary of State for Education and Science under the constitution of any research institute or other body in receipt of grant from the Agricultural and Food Research Council under section 1 of the Agricultural Research Act 1956(f).

Functions to be concurrently exercisable by the Chancellor

3. Any functions which, by virtue of this Order, are transferred to, or become exercisable concurrently by, the Minister shall also be exercisable concurrently by the Chancellor; and in the following provisions of this Order, other than paragraphs (1) and (2) of article 4 below, any reference to the Minister shall, so far as necessary for the purpose or in consequence of this article, be taken to include a reference to the Chancellor.

Supplemental

4.—(1) With any functions transferred to the Minister by this Order there are hereby also transferred to him all property, rights and liabilities to which the Secretary of State for Education and Science is entitled or subject in connection with those functions at the coming into force of this Order.

(2) Any legal proceedings to which the Secretary of State for Education and Science is a party at the coming into force of this Order may, if they relate to functions, property, rights or liabilities transferred by this Order to the Minister, be continued by or against the Minister.

(3) This Order shall not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State for Education and Science before the coming into force of this Order; and anything which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Education and Science may, if it relates to functions, property, rights or liabilities transferred by this Order to the Minister, be continued by or in relation to the Minister.

(4) Any approval, consent, direction, or appointment given or made, or other thing whatever done, by the Secretary of State for Education and Science in the exercise of any functions transferred by this Order (or having effect as if so given, made or done) shall, if in force at the coming into force of this Order, continue in force and have effect as if similarly given, made or done by the Minister.

(a) 1986 c.40.
(d) 1961 c.9.

(b) 1988 c.40.
(e) S.I. 1964/490.

(c) S.I. 1990/1989.
(f) 1956 c.28.



Change of style and title of the Secretary of State for Education and Science

5. In consequence of the transfer of functions effected by article 2 above, the Secretary of State for Education and Science shall, as from the coming into force of this Order, be known by the style and title of "the Secretary of State for Education".

Consequential amendments

6.—(1) The enactments and instruments specified in the Schedule to this Order shall have effect with the amendments there specified.

(2) Subject to paragraph (1) above, any enactment or instrument passed or made before the coming into force of this Order shall have effect so far as necessary for the purpose or in consequence of the transfers effected by this Order as if—

(a) for any reference to the Secretary of State or to the Secretary of State for Education and Science (including, in either case, any reference which is to be construed as such a reference) there were substituted a reference to the Minister; and

(b) for any reference to the Department of Education and Science or any officer of that Department (including, in either case, any reference which is to be construed as such a reference) there were substituted a reference to the Office or an officer of the Office.

(3) Subject to paragraphs (1) and (2) above, any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purpose or in consequence of article 5 above, as if for any reference to the Secretary of State for Education and Science, the Department of Education and Science or any officer of that Department (including, in each case, any reference which is to be construed as such a reference) there were substituted a reference to the Secretary of State for Education or, as the case may be, the Department for Education or an officer of that Department.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 6(1)

CONSEQUENTIAL AMENDMENTS

The Agricultural Research etc. (Pensions) Act 1961

1. In section 1 of the Agricultural Research etc. (Pensions) Act 1961(a), for the words from "with the approval" to "Science" there shall be substituted the words "with the approval of the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster".

The Science and Technology Act 1965

2.—(1) In the Science and Technology Act 1965(b), for the words "Secretary of State", wherever occurring in sections 2 and 3 and Schedules 1 and 3, there shall be substituted the words "Minister for the Civil Service or the Chancellor of the Duchy of Lancaster".

(2) In subsection (1) of section 5 of that Act, after the words "Secretary of State", where first occurring, there shall be inserted the words "the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster".

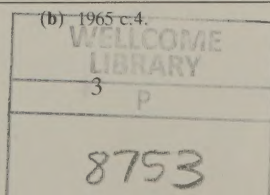
(3) For paragraph (b) of that subsection there shall be substituted—

"(b) in furthering the practical application of the results of scientific research;"

(4) In paragraph (c) of that subsection, for the words "or Minister, as the case may be," there shall be substituted the words "or, as the case may be, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster".

(a) 1961 c.9.

(b) 1965 c.4.



The Parliamentary Commissioner Act 1967

3. In Schedule 2 to the Parliamentary Commissioner Act 1967(a) (departments and authorities subject to investigation)–

- (a) for the entry “Department of Education and Science” there shall be substituted the entry “Department for Education”;
- (b) the entry “Office of the Minister for the Civil Service” shall be omitted;
- (c) there shall be inserted in the appropriate place the entry “Office of Public Service and Science”; and
- (d) in Note 6 (scope of the references to the Office of the Minister for the Civil Service etc.) for the words “Office of the Minister for the Civil Service”, wherever occurring, there shall be substituted the words “Office of Public Service and Science”.

The Attachment of Earnings Act 1971

4. In section 22(4) of the Attachment of Earnings Act 1971(b) for the words “Office of the said Minister” there shall be substituted the words “Office of Public Service and Science”.

The Education Act 1986

5.—(1) In section 1 of the Education Act 1986(c), after subsection (1), there shall be inserted–

“(1A) The power of the Secretary of State to make grants under section 1(1)(a) above is also exercisable by the Minister for the Civil Service and by the Chancellor of the Duchy of Lancaster.”

(2) In subsection (2) and (3) of that section, and in section 5 of that Act, after the words “Secretary of State”, wherever occurring, there shall be inserted the words “, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster”.

The Education Reform Act 1988

6.—(1) In section 213(1) of the Education Reform Act 1988(d), after the words “The Secretary of State” there shall be inserted the words “, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster”.

(2) In section 233 of that Act, in paragraph (a), after the words “the Secretary of State” there shall be inserted the words “, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster”.

The Education (Grant) Regulations 1990

7. In the Education (Grant) Regulations 1990(e)–

- (a) in regulations 2, 3, 4, 14 and 17, and in regulation 18 other than paragraph (2)(e), after the words “Secretary of State”, wherever occurring, there shall be inserted the words “, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster”; and
- (b) in regulation 14, for the words “in his opinion” there shall be substituted the words “in the opinion of the Secretary of State”.

The Royal Charters of the Research Councils

8. In the Royal Charters referred to in article 2(5) of this Order–

- (a) for the words “Our Secretary of State may, with the approval of Our Minister for the Civil Service,” wherever occurring, there shall be substituted the words “Our Minister for the Civil Service or Our Chancellor of the Duchy of Lancaster, with the approval of Our Minister for the Civil Service, may”;
- (b) for the words “approval of Our Secretary of State and Our Minister for the Civil Service”, wherever occurring, there shall be substituted the words “approval of Our Minister for the Civil Service or of Our Chancellor of the Duchy of Lancaster and Our Minister for the Civil Service”; and
- (c) subject to paragraphs (a) and (b) above, the words “Our Minister for the Civil Service or Our Chancellor of the Duchy of Lancaster” shall be substituted for the words “Our Secretary of State”, wherever occurring, except–

(a) 1967 c.13; Schedule 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c.39), section 1(2) and Schedule 1, and amended by article 4(1) of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1987 (S.I. 1987/2039).

(b) 1971 c.32; section 22(4) was amended by article 3(2) of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670) and by article 4(2) of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1987 (S.I. 1987/2039).

(c) 1986 c.40.

(d) 1988 c.40.

(e) S.I. 1990/1989.

- (i) in the preamble,
 - (ii) in the definition of "Our Secretary of State", and
 - (iii) in the expression "Our Secretary of State for Scotland".
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council, made under the Ministers of the Crown Act 1975, transfers to the Minister for the Civil Service ("the Minister") the functions of the Secretary of State for Education and Science under sections 2 and 3 of, and Schedules 1 and 3 to, the Science and Technology Act 1965, under section 1(1) of the Agricultural Research etc. (Pensions) Act 1961 and under the Royal Charters of the five named Research Councils.

Where functions are transferred to the Minister, there are also transferred to him all property, rights and liabilities to which the Secretary of State for Education and Science is entitled or subject in connection with those functions.

This Order further provides that the Minister may exercise concurrently with the Secretary of State the powers conferred by section 1(1)(a) of the Education Act 1986 (payment of grant to the Royal Academy of Engineering) and section 213(1) of the Education Reform Act 1988 and regulations 2, 3, 4, 14, 17 and 18 of the Education (Grant) Regulations 1990 (payment of grant to bodies whose object or main object is the promotion of learning or research).

The Order further provides that the functions conferred upon certain named Ministers of the Crown under section 5(1)(b) of the Science and Technology Act 1965 may be exercised concurrently by the Minister and the Secretary of State.

Functions which are transferred to, or become exercisable concurrently by, the Minister may also be exercised by the Chancellor of the Duchy of Lancaster.

As a consequence of the transfer of functions to the Minister, the Secretary of State for Education and Science is renamed the Secretary of State for Education.

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